

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TERRY A. BAIER,	)	
	)	
Plaintiff,	)	Case No. 1:12-cv-08234
	)	
vs.	)	Judge John Robert Blakey
	)	
ROHR-MONT MOTORS, INC.,	)	
an Illinois corporation d/b/a	)	
Oakbrook Toyota in Westmont,	)	
JOHN BARRETT, and ALEX SYED,	)	
	)	
Defendants.	)	

**MOTION FOR REMITTITUR AND  
RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW  
ON STATE LAW DEFAMATION CLAIM**

Defendant, Rohr-Mont Motors, Inc. d/b/a Oakbrook Toyota, by counsel, respectfully requests that the Court enter an Order remitting the amount of plaintiff, Terry A. Baier's compensatory and punitive damages on his claim under the Americans With Disability Act to the statutory cap set forth in 42 U.S.C. §1981a(b)(3). In addition, defendant, John Barrett renews that portion of his Motion for Motion for Directed Verdict under Rule 50(a) of the Federal

Rules of Civil Procedure on Baier's state law defamation claim. The punitive damages award cannot stand because the jury awarded zero compensatory damages on the defamation claim and Illinois law precludes punitive damages where no compensatory damages are awarded.

WHEREFORE, defendant, Rohr-Mont Motors, Inc. an Illinois corporation d/b/a Oakbrook Toyota in Westmont, by counsel, respectfully requests that the Court remit the damages award on plaintiff's claim under the Americans With Disabilities Act to the applicable statutory cap. In addition, defendant, John Barrett, by counsel, respectfully requests that the Court enter judgment in his favor and against the plaintiff, pursuant to Rule 50 (a) and (b) of the Federal Rules of Civil Procedure on the punitive damages award on the state law defamation claim, and for all other just and proper relief in the premises.

Respectfully submitted,

TOURKOW, CRELL, ROSENBLATT

& JOHNSTON

By

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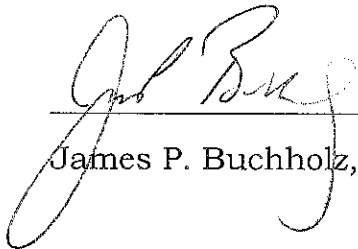
## CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2015, I e-filed the above and foregoing **Defendants' Motion for Remittitur and Renewed Motion For Judgment As A Matter of Law on State Law Defamation Claim** via the case management/electronic case filing system with the Clerk of the U.S. District Court. The parties may access this filing through the Clerk's electronic filing system, and notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

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